

REMARKS/ARGUMENTS

Applicant submits this Reply and Amendment in response to the Examiner's Office action mailed on July 3, 2003 setting a shortened statutory period for response of three months. In the subject Office action, the Examiner allowed claims 1-7. The Examiner rejected claims 8-20 under the second paragraph of 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner rejected claims 8-12 and 17-19 under 35 U.S.C. §102(b) as being anticipated by Baxter (United States Patent No. 5,688,400), and rejected claim 13 under 35 U.S.C. §103(a) as being unpatentably obvious over a combination of Baxter and Singer (United States Patent No. 3,043,433). Lastly, the Examiner indicated that claims 14, 15, 16, and 20 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. §112.

1. Allowed claims 1-7

The applicant thanks the Examiner for recognizing the patentable subject matter defined by claims 1-7.

2. Rejection of claims under the second paragraph of 35 U.S.C. §112

Applicant has herein amended claims 14, 16, and 20 to recite that the length of the base extends from the settling tank to the aeration tank. This amendment is fully supported by the specification (see, for example, paragraphs 0040 and 0045, and figures 5, 6, and 8). Also, this amendment to these claims provides the necessary structure to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Further, this amendment provides structure to the base as it pertains to the recitation of brackets in claims 14 and 15.

Applicant respectfully asserts that the amendments to these claims fully overcome the rejection under the second paragraph of §112, and requests withdrawal of this rejection.

3. Rejection of claims under §102(b)

Applicant herein cancels claims 8-12. Accordingly, the rejection of these claims is moot.

Applicant has amended claims 17 and 19 to change the dependency from claim 8 to claim 14, which the Examiner has indicated is allowable if amended to overcome the rejections under §112. Thus, the rejection of these claims under §102 is moot.

Claim 18 depends from claim 17, which now depends from claim 14. Accordingly, the rejection of this claim under §102 is moot.

4. Rejection of claims under 35 U.S.C. §103

Applicant has herein cancelled claim 13. Accordingly, the rejection of this claim under §103 is moot.

5. Allowability of claims 14, 15, 16 and 20.

The Examiner indicated that claims 14, 15, 16, and 20 would be allowable if rewritten to overcome the rejection under the second paragraph of §112. As stated above, applicant has herein amended claims 14, 16, and 20 to recite that the length of the base extends from the settling tank to the aeration tank. Applicant believes this amendment to fully overcome the rejection under §112. Accordingly, these claims now define patentable subject matter, and applicant respectfully requests removal of all rejection of these claims and a notice of their allowability.

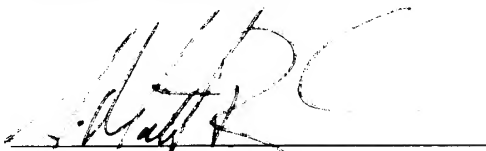
Application No. 10/075,076
Amendment dated October 3, 2003
Reply to Office Action dated July 3, 2003

CONCLUSION

In light of the above, applicant has overcome each and every one of the Examiner's objections and rejections. The application is therefore in condition for allowance on the next Office action. If, however, the Examiner feels that further personal communication would facilitate the prosecution of this case, applicant requests that the Examiner contact the attorney at the number listed below.

Respectfully submitted,

Dated: October 3, 2003



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